

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAILA SULTANI, et al.,
Plaintiffs,
v.
TESLA, INC.,
Defendant.

No. 2:24-cv-01445-CKD

PRETRIAL SCHEDULING ORDER

READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES THAT THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL COUNSEL AND PARTIES MUST COMPLY. FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN THE IMPOSITION OF MONETARY AND ALL OTHER APPROPRIATE SANCTIONS, INCLUDING DISMISSAL OR AN ORDER OF JUDGMENT.

This action was filed in state court on March 8, 2024 and removed to federal court on May 20, 2024. ECF No. 1. Defendant has filed an answer to the amended complaint. ECF No. 1 at 33-37. The parties have consented to magistrate judge jurisdiction for all purposes. ECF No. 7. After considering the parties' joint status report (ECF No. 4), the Court issues the following pretrial scheduling order.

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1 NATURE OF THE CASE

2 On May 12, 2023, Sacramento resident and plaintiff Laila Sultani pulled into her garage in
3 her 2023 Tesla Model 3. See ECF No. 22-31 (First Amended Complaint or “FAC”). Her minor
4 daughter, co-plaintiff S., was in the passenger seat. Plaintiffs allege that the vehicle suddenly
5 accelerated without any input from the driver and collided with the back of plaintiffs’ garage,
6 causing injuries to plaintiffs. Plaintiffs assert claims of product liability and negligence and seek
7 damages including medical expenses and loss of earnings.

8 SERVICE OF PROCESS

9 Defendant has been served and has appeared. No further service is permitted except with
10 leave of Court, good cause having been shown.

11 JOINDER OF PARTIES/AMENDMENT OF PLEADINGS

12 Defendant has answered the amended complaint, and the parties agreed that the last day to
13 make amendments to the pleadings was October 17, 2024. No further joinder of parties or
14 amendments to pleadings are permitted except with leave of Court, good cause having been
15 shown.

16 JURISDICTION/VENUE

17 Jurisdiction and venue are undisputed, and are hereby found to be proper.

18 INITIAL DISCLOSURES

19 To the extent that the parties have not already done so, the parties shall exchange initial
20 disclosures within thirty days of this order.¹ Such disclosures shall include production of any
21 documents and other items required by Rule 26(a)(1)(A)(ii) that are within a party’s possession,
22 custody, or control.

23 DISCOVERY DEADLINES, PROCEDURES FOR DISCOVERY DISPUTES

24 All non-expert discovery shall be completed² by **May 19, 2025**. Any discovery-related

25 _____
26 ¹ The parties agreed to exchange initial disclosures in September 2024.

27 ² “Completed” means (1) all discovery shall have been conducted so that all depositions have
28 been taken and (2) any disputes related to discovery shall have been resolved by appropriate order
if necessary and, where discovery has been ordered, the order has been complied with.

1 motions must conform to the requirements of the Federal Rules of Civil Procedure and this
2 Court's Local Rules, including Local Rule 251. Judge Delaney generally hears civil motions on
3 Wednesdays at 10:00 a.m.

4 Prior to filing any discovery-related motions, the parties are required to meet and confer in
5 good faith in an attempt to resolve their discovery disputes informally and without court
6 intervention. Such meet and confer shall take place in person, or at a minimum, via a telephonic
7 conference. The mere exchange of letters or e-mails alone is not sufficient. As part of their joint
8 statement related to a discovery motion submitted pursuant to Local Rule 251, the parties shall
9 also specifically outline: (a) what meet-and-confer efforts were undertaken; (b) when and where
10 such discussions took place; (c) who was present; and (d) how the parties' disputes were
11 narrowed as a result of such discussions. Failure to comply with these requirements may result in
12 summary denial of any discovery motion.

13 The Court strongly encourages the use of informal telephonic discovery conferences with
14 the Court in lieu of formal discovery motion practice. The procedures and conditions for
15 requesting and conducting such an informal telephonic discovery conference are outlined in
16 Judge Delaney's "Order re Informal Telephonic Conferences re Discovery Disputes," posted on
17 the Court's website at <http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/5055/>.
18 Additionally, subject to the Court's availability, the Court will also rule on disputes encountered
19 at oral depositions, so as to avoid such depositions from breaking down. In the course of the
20 deposition, the parties may contact Judge Delaney's courtroom deputy clerk at (916) 930-4004 to
21 inquire regarding Judge Delaney's availability. However, the parties are cautioned that these
22 informal procedures are not to be abused, and the Court may impose appropriate sanctions on an
23 offending party or parties, even in the course of informal discovery conferences.

24 EXPERT DISCLOSURES AND DISCOVERY

25 The parties shall disclose any expert witnesses in accordance with the specifications of
26 Federal Rule of Civil Procedure 26(a)(2) no later than **June 2, 2025**. Any rebuttal expert
27 disclosures shall be made in accordance with the specifications of Federal Rule of Civil
28 Procedure 26(a)(2). Expert disclosures shall be filed with the Court and served upon all other

1 parties. All expert discovery shall be completed (see fn. 2) by **August 19, 2025**. The same
2 procedures for fact–discovery disputes applies to expert–discovery disputes.

3 An expert witness not timely disclosed will not be permitted to testify unless the party
4 offering the witness demonstrates that: (a) the necessity of the witness could not have been
5 reasonably anticipated at the time that the expert disclosures were due; (b) the Court and opposing
6 counsel were promptly notified upon discovery of the witness; and (c) the witness was promptly
7 proffered for deposition. Failure to provide the information required by Federal Rule of Civil
8 Procedure 26(a)(2) along with the expert disclosures may lead to preclusion of the expert’s
9 testimony or other appropriate sanctions.

10 LAW AND MOTION

11 All law and motion, except as to discovery-related matters, shall be completed (i.e. heard)
12 by **September 26, 2025**. Counsel and/or parties proceeding without counsel are cautioned to
13 refer to the Local Rules regarding the requirements for noticing such motions on the Court’s
14 regularly scheduled law and motion calendar, including, but not limited to, Local Rule 230.
15 Judge Delaney generally hears civil motions on Wednesdays at 10:00 a.m. This paragraph does
16 not preclude motions for continuances, motions in limine related to trial, temporary restraining
17 orders, or other emergency applications, for which the Court may set a special briefing schedule,
18 if necessary or appropriate.

19 ALL PURELY LEGAL ISSUES ARE TO BE RESOLVED BY TIMELY PRETRIAL
20 MOTION. The purpose of law and motion is to narrow and refine the legal issues raised by the
21 case, as well as to dispose of those issues that are susceptible to resolution without trial by pretrial
22 motion. To accomplish that purpose, the parties need to identify and fully research the issues
23 presented by the case, then examine those issues in light of the evidence obtained through
24 discovery. If it appears to counsel after examining the legal issues and facts that an issue can be
25 resolved by pretrial motion, counsel are to file the appropriate motion consistent with the law and
26 motion cutoff set forth above. Conversely, motions in limine are procedural devices designed to
27 address the admissibility of evidence. THE COURT WILL LOOK WITH DISFAVOR UPON
28 SUBSTANTIVE MOTIONS PRESENTED UNDER THE GUISE OF MOTIONS IN LIMINE

1 AT THE TIME OF TRIAL.

2 FINAL PRETRIAL CONFERENCE/TRIAL SETTING

3 The undersigned declines to set final pretrial conference and trial dates at this juncture.
4 Instead, the Court orders the parties to submit a Notice of Trial Readiness on one of the following
5 timelines:

6 A. After resolution of any pending dispositive motions, the parties are to submit the
7 Notice not later than thirty (30) days after receiving the Court's ruling(s) on the last
8 filed dispositive motion(s); or

9 B. If the parties do not intend to file dispositive motions, the parties are ordered to file the
10 Notice not later than one hundred twenty (120) days after the close of discovery and
11 the notice must include statements of intent to forgo the filing of dispositive motions.

12 In the Notice of Trial Readiness, the parties are to set forth the appropriateness of special
13 procedures, their estimated trial length, any request for a jury, their availability for trial, and if the
14 parties are willing to attend a settlement conference. The Notice shall also estimate how many
15 court days each party will require to present its case, including opening statements and closing
16 arguments. The parties' estimate shall include time necessary for jury selection, time necessary to
17 finalize jury instructions and instruct the jury. After review of the parties' Joint Notice of Trial
18 Readiness, the court will issue an order that sets forth dates for a final pretrial conference and
19 trial.

20 OBJECTIONS

21 Any objections to this pretrial scheduling order shall be filed within seven (7) days.

22 SETTLEMENT CONFERENCE

23 The parties are willing to participate in a settlement conference. Should the parties wish
24 to conduct a settlement conference with a magistrate judge, they are to contact the undersigned's
25 courtroom deputy clerk to inquire as to the availability of another magistrate judge for a
26 settlement conference.

27 MODIFICATION OF THIS SCHEDULING ORDER

28 The parties are reminded that pursuant to Federal Rule of Civil Procedure 16(b)(4), this

1 order shall not be modified except by leave of court upon a showing of “good cause.” See
2 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992). Mere agreement by the
3 parties pursuant to a stipulation does not constitute good cause. Nor does the unavailability of
4 witnesses or counsel, except in extraordinary circumstances, constitute good cause.

5 Dated: February 24, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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